

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/411,576 09/22/89 MAGLICA

A 188167

EXAMINER

TUNG, M

29M1/0319

LYON & LYON

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ART UNIT

PAPER NUMBER

32

2901
DATE MAILED:

03/19/96

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
07/411,576Applicant(s)
MaglicaExaminer
M. H. TungGroup Art Unit
2901**THE PERIOD FOR RESPONSE: [check only a) or b)]**

- a) ☒ expires 3 months from the mailing date of the final rejection.
- b) ☐ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Feb 27, 1996 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☐ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____
- _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:

The shape of the flashlight head has not been amended for consistency with the parent application. The benefit of the filing date of parent case 06/648032 is denied. Also, the threaded portion still appears proportionally wider in the

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: single claim

- ☒ The proposed drawing correction filed on Feb 27, 1996 ☒ has ☐ has not been approved ^{in part} by the Examiner.

- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

- ☒ Other see attachment

M. H. TUNG
PRIMARY EXAMINER
ART UNIT 2901

Art Unit: 2901

1. The drawing submitted 02/27/96 is objected to for the following reasons:
 - a) Upon further consideration of the drawings, the end shown in Fig.3 shows one less concentric circle than the original Fig.3. Also, the middle concentric circles are spaced closer together than in the original Fig.3. Note A on the attached photocopy.
 - b) The threaded portion in Fig.2 is drawn in the opposite direction from Fig.1. Consistency is required. Note B.
 - c) The Fig.4 end view shows one less concentric circle than in the original Fig.4. Note C.

Correction is required. 35 U.S.C. § 112 paragraph 1, 37 C.F.R. § 1.152.

2. A copy showing the proposed corrections must be submitted for the Examiner's approval. Care should be exercised to avoid introduction of new matter. (35 U.S.C. 132; 37 CFR 1.118). Applicant is required to submit a proposed drawing correction in response to this Office action. However, actual correction of the formal drawings can be deferred until the application is allowed by the examiner.

3. The final rejections under 35 U.S.C. 103 and 35 U.S.C. 112, first paragraph are sustained. See PTO-303 which is attached to this letter.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Tung, whose telephone number is (703)305-3105. The examiner can normally be reached on Tuesday-Friday from 7:30 to 5:00. The examiner can also be reached on alternate Mondays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hugo Word, can be reached on (703)305-3171. The FAX phone number for this group is (703)-308-2742. Any inquiry of a general nature


Serial Number: 07/411576

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or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3293.

mht
March 15, 1996



M. H. TUNG
EXAMINER
ART UNIT 2901

FILE

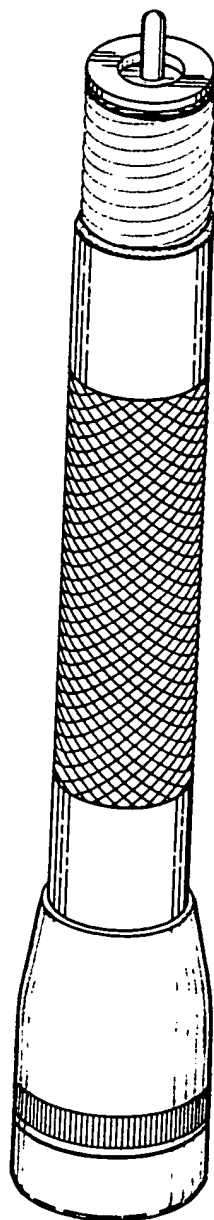


FIG. 1.

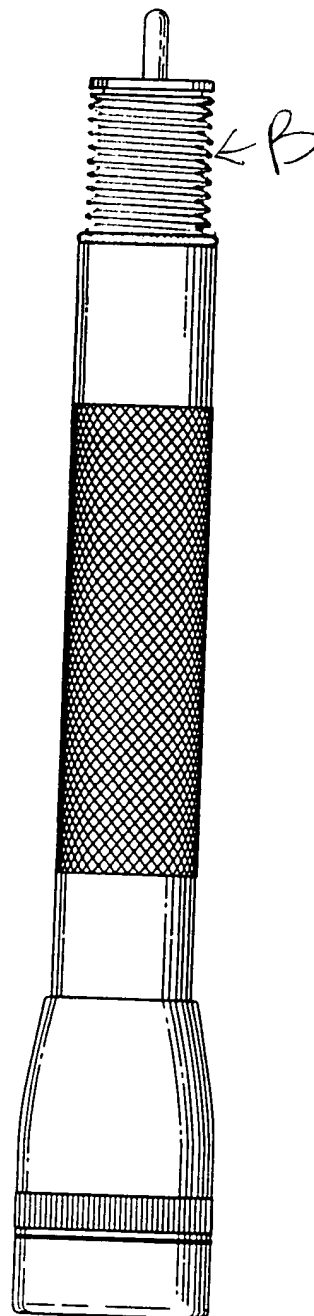


FIG. 2.

